

NATURAL RESOURCES COMMISSION

Meeting Minutes

February 6, 2008

Pursuant to the notice filed with the Town Clerk, the meeting of the Natural Resources Commission was held at 141 Keyes Road, Concord, MA at 7:00 p.m. on Wednesday, February 6, 2008. The following Commissioners were present: Alexander Easterday, Chair, Montgomery Lovejoy, Jamie Bemis, and George Lewis. Delia Kaye, Natural Resources Administrator, and Cynthia L. Gray, Natural Resources Administrative Assistant, were also present.

CONTINUANCES:

THE FIRST PARISH IN CONCORD – 16 Lexington Road / NOI – Building renovations including a third floor addition; redevelopment of parking lots, driveways, walkways, and landscaping; installation of a new drainage system within Bordering Land Subject to Flooding and 200-foot Riverfront Area to Mill Brook and in the 100-foot Buffer Zone to Bordering Vegetated Wetland and Bank, **DEP File #137-960**

This hearing was continued to February 20, 2008.

NEW APPLICATIONS:

BREITMAIER – 50 Garfield Road, Lot 2 – Constructing a retaining wall and installing a drainage structure within the 100-foot Buffer Zone to Bordering Vegetated Wetland, **DEP File #137-962**

John Rockwood, Ph D., Senior Environmental Scientist of EcoTec, Inc. and Mark Donohoe of Acton Survey & Engineering, Inc. appeared together with the applicant, Steven Breitmaier. Mr. Rockwood explained that the Applicant would like to relocate a previously approved stone retaining wall from 40 feet to 25 feet from wetlands. This was presented to the Commission as an amendment to DEP File No. 137-830 in May 2007, along with invasive species control and drainage improvements. The Commission denied the Applicant's request to amend the Order to relocate the wall, and informed the Applicant that the drainage improvements and invasive species control could be approved administratively if the Applicant provided appropriate information to the office.

John Rockwood described the proposed drainage improvements, and the desire to place 1.15 acres of land in Restrictive Covenant (rather than a Conservation Restriction as proposed in the application). Mr. Donohoe stated that the wetland consists almost entirely of invasive species, and that the stone wall would create a buffer. Delia Kaye asked Dr. Rockwood whether he felt the proposed wall relocation would alter downgradient resource areas; John Rockwood responded that it would not.

Marion Thornton of 330 Garfield Road, and member of the Concord Open Land Foundation, raised concerns about the amounts of fill and the impact to the land. Ms. Thornton circulated pictures which showed stumps and the house under construction.

She stated that the Applicant's land is unstable and development in the area has altered drainage patterns. She cautioned the Commission to look carefully at this matter, particularly as Willow Guzzle, Town-owned farmland, is downstream.

A site visit was scheduled for 10:00 a.m. on Monday, February 11, 2008.

This hearing was continued to February 20, 2008.

CONCORD HOUSING TRUST, INC. – 335 Walden Street / ANRAD – Request for confirmation of wetland resource area boundaries on the property, DEP File #137-963

Scott Smyers of Oxbow Associates appeared together with the applicant, Peter Farrow, Concord Housing Trust. Scott Smyers stated that the Applicant is seeking confirmation of the Bordering Vegetated Wetland boundary. Mr. Smyers flagged the site, and connected his line to the approved wetland line on the adjacent property (349 Walden Street). Delia Kaye attended a site visit with Mr. Smyers and Mr. Farrow prior to the hearing to review the Forest Ridge letter delineation. Staff is comfortable with the wetland resource area boundaries but suggested the Commission make a finding that there is an upland bridge between WF OA A-12 and WF OA A-13.

Separate from the ANRAD filing, Delia Kaye discussed the plan submitted to the Zoning Board of Appeals. She noted no public access being shown on the plan, and that the letter from the Commission to the CPA recommended that this be provided. She also suggested that public access be provided from Walden Street for equipment to mow or farm the back land. Delia Kaye suggested the applicant reconsider the site design to maintain a rural feel to the area. If possible, parking should be in the rear to maintain a rural view from the roadway.

This hearing was continued to February 20, 2008 at which time the Commission expects to close the hearing and issue an Order of Resource Area Delineation.

REQUEST FOR EXTENSION:

NORMANDY CONCORD ACQUISITION LLC – Baker Avenue Extension, DEP File #137-691

Attorney Cheray Shein of Lerner & Holmes P.C. and Andrew Spaulding, Vice President of Normandy Real Estate Partners appeared on behalf of the applicant.

This extension request is the third for this project and is submitted for the intersection improvements project proposed at Baker Avenue Extension and Route 2 to widen the roadway. The Commission requested that the Applicant confirm the wetland boundary, as it was flagged nearly 10 years ago, and provide documentation showing compliance with the revised Stormwater Management Regulations. Attorney Shein requested that the original Order of Conditions be extended for a period of three years.

This hearing was continued to March 5, 2008.

CLOSE HEARING/ISSUE PERMITS:

WEST CONCORD DEVELOPMENT, LLC – 54 Old Powdermill Road, DEP File #137-959

George Lewis moved to close the hearing. Jamie Bemis seconded. Montgomery Lovejoy abstained. All so voted. George Lewis moved to issue an Order of Resource Area Delineation. Jamie Bemis seconded. Montgomery Lovejoy abstained. All so voted.

CRAIN – 35 North Branch Road, DEP File #137-961

Jamie Bemis moved to close the hearing. George Lewis seconded. Montgomery Lovejoy abstained. All so voted. George Lewis moved to approve Findings A, B and C. Jamie Bemis seconded. Montgomery Lovejoy abstained. All so voted. George Lewis moved to issue a standard Order of Conditions with Special Conditions 19-40. Jamie Bemis seconded. Montgomery Lovejoy abstained. All so voted.

OTHER BUSINESS:

Approve December 19, 2007 meeting minutes

This was tabled until the next meeting. Jamie Bemis will clarify the matter of the Marabello agricultural permit.

Sudbury gravel operations

Active gravel operations appear to be occurring within 100 feet of wetlands, including an active heron rookery. Delia Kaye visited the site last Friday and will meet the Sudbury Conservation Coordinator and Public Works Director this Friday, February 8, 2008 at 2:00 p.m. George Lewis will also attend.

Trails Committee update

Delia Kaye informed that Commission that the Trails Committee is exploring options to blaze trails on Town land, beginning with the trails in Hapgood Wright Town Forest. The Committee is also looking to inventory trails and update the trails map.

Revised Stormwater Management Regulations

The MassDEP recently held a workshop to provide an overview of regulatory changes to the stormwater standards, attended by Delia Kaye and Katie Holden.

Kittredge RDA Appeal

MassDEP submitted a Superseding Determination of Applicability agreeing with the Commission's Determination findings. The Superseding Order determined that work could occur without further review based on supplemental information provided to DEP.

Concord Wold RDA Appeal

Stamski and McNary's letter dated January 24, 2008 acknowledges alterations to wetland resource areas to access upland areas for soil testing. George will draft a letter for the Commission to submit in response to this recent submittal.

335 Walden Street CR

Gordon Bell will draft the Conservation Restriction.

Ripley Playing Fields

Delia Kaye met informally with Jeff Adams and John Amato to discuss potential baseball fields at Ripley School. There is no mapped floodplain but there are flooding concerns from the neighborhood. The Commission agreed that Ripley appears to be a logical place to site baseball fields, as well as the reserve soccer field shown on a plan issued February 5, 2008.

181 Lowell Road Violation (Folke)

Sandra Folke is scheduled to appear before the Commission on February 20, 2008. She will provide plans to the office by next Wednesday. As discussed with Ms. Folke, the plan will show illegally cut trees, remaining trees, areas of debris, and her property limits.

597 Lowell Road Violation (van der Wansen)

The Van der Wansens need to file a Notice of Intent and provide a plan showing the limits of cleared areas and non-cleared areas, as tree removal was done without NRC approval. They are scheduled to appear before the Commission on February 20, 2008.

Wetland Bylaw

Alexander Easterday presented to the League of Women Voters on February 6. Monty Lovejoy and Delia Kaye also attended and participated in the presentation. Alexander Easterday will provide a draft meeting schedule up to and including Town Meeting next year at the next meeting. (Meeting dates to be established in March, April, May and early June of this year.) Commission members will consider and recommend appropriate Boards and Committees to present to at the next meeting.

Bylaw text will need to be included as part of the warrant for early January 2009. George Lewis will draft bylaw language over the summer following the public outreach. Commissioners and staff will draft a series of newspaper articles for publication in the Concord Journal.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Delia R. J. Kaye, Natural Resources Administrator

Cynthia L. Gray, Natural Resources Administrative Assistant